

Message

From: Castellana, Ben [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A5E5385776764CC4B9E1A718B4090A30-CASTELLANA,]
Sent: 4/24/2019 5:19:17 PM
To: Allen, HarryL [Allen.HarryL@epa.gov]; BERMAN, TESSA [Berman.Tessa@epa.gov]; Guria, Peter [Guria.Peter@epa.gov]
Subject: RE: 210 W. Slauson - NTC

Thank you all for your input. I will send the revised email to AQMD only (I'll cc Tessa).

Thank you,

Ben Castellana, Ph.D.
On-Scene Coordinator
US EPA Region 9
Superfund Emergency Response
(562) 305-0694 cell

From: Allen, HarryL
Sent: Wednesday, April 24, 2019 10:10 AM
To: BERMAN, TESSA <Berman.Tessa@epa.gov>; Castellana, Ben <castellana.ben@epa.gov>; Guria, Peter <Guria.Peter@epa.gov>
Subject: Re: 210 W. Slauson - NTC

Thanks for very much to you both for our reviews. Ben and I are aware of the ARAR issue and the fact that we are relying on their professional understanding of the exigency of the situation. Ben has already met AQMD on site so the letter would communicate that we need their cooperation to get to the next stage in the cleanup/evaluation. So yes - the letter would only go to AQMD.

Thanks again!

From: BERMAN, TESSA
Sent: Wednesday, April 24, 2019 10:06 AM
To: Castellana, Ben; Guria, Peter
Cc: Allen, HarryL
Subject: RE: 210 W. Slauson - NTC

Hi Ben and Pete,

I made a few changes to the suggested email, below. Since we responded under OPA, I wouldn't add reference to ARARs. Also, I think this was your intent, but just wanted to confirm that this will go to AQMD and not the PRP or response contractor. We should try to work it out internally before looping them in.

Feel free to give me a call if you would like to discuss.

Tessa

Dear Mr. Roberts and Mr. Haynes,

I very much appreciate AQMD's help and input with the Slauson Tanker Fire Site. As you know EPA is the lead agency overseeing this response, and it is my hope that AQMD's involvement will help the PRP's contractors perform the cleanup safely, and with minimal impact to the surrounding community.

It is also my hope and expectation that the wastes accumulated during the Emergency Response leave the site as soon as possible. These include boom, debris and PPE in drums and a 20-yard roll-off bin, as well as waste water and product in the Baker tank on site. I consider the storage of these materials on site to be an imminent and substantial threat to the surrounding community, as they exhibit hazardous characteristics and/or contain pollutants which may release to the environment. The presence of these containers on site also precludes any further progress at the Site, including the removal of the burned billboard structure, characterization of the spill pathway, demolition of the red-tagged structure, and removal of contaminated soil.

I had an understanding with the PRP's consultant to remove these from the site this week, upon receiving the characterization data. AQMD's interest in applying rules 1466 and 1403 to these containerized wastes and requiring additional sampling of containerized waste for ACM complicates this matter. I do not wish to see these wastes remain on site any longer than absolutely necessary, and I do not wish to see the containers opened again on site for any reason, due to potential threats to workers and the surrounding community. It is my expectation that AQMD will not prohibit the PRP's contractor from removing these sealed and containerized wastes from the Site under a Hazardous Waste Manifest without additional sampling.

Again, I appreciate your cooperation in this matter, and I hope that we can work together to ensure that the Site is cleaned in a manner that protects the community and environment. Please feel free to call me if you have additional questions or concerns about this request.

Sincerely,

Ben Castellana, Ph.D.
On-Scene Coordinator
US EPA Region 9
Superfund Emergency Response
(562) 305-0694 cell

From: Guria, Peter

Sent: Wednesday, April 24, 2019 7:27 AM

To: Castellana, Ben <castellana.ben@epa.gov>; Allen, HarryL <Allen.HarryL@epa.gov>

Cc: BERMAN, TESSA <Berman.Tessa@epa.gov>

Subject: RE: 210 W. Slauson - NTC

Letter looks generally fine to me. I'm assuming the NTC reference in the inspectors email refers to "non-time critical?" If so, I would emphasize that the wastes you are referring to in your response are part of this time-critical action. You could also refer to AQMDs regs as ARARS and taking them under consideration, but given the exigencies of the situation, not applicable.

Tessa, your thoughts?

From: Castellana, Ben

Sent: Tuesday, April 23, 2019 6:23 PM

To: Allen, HarryL <Allen.HarryL@epa.gov>; Guria, Peter <Guria.Peter@epa.gov>

Cc: BERMAN, TESSA <Berman.Tessa@epa.gov>

Subject: FW: 210 W. Slauson - NTC

Hi Harry, et al.,

AQMD visited the Slauson Tanker Fire Site and issued a Notice of Compliance for various items, including structures, asphalt, debris, and containerized wastes (drums, one roll-off, and a Baker tank full of water and product). They are requiring the PRP's contractor to collect samples and get permits for compliance with 1466 and 1403, which are VOCs and asbestos rules. My issue is that, at least where the containerized wastes are concerned, that the further regulatory oversight of these wastes is going to hamper the very real imminent and substantial threat these wastes pose to the surrounding community, and it would be in the best interests of the community that these wastes be removed as soon as possible from the site. Please see the email chain below for more information, if needed.

With this in mind, I would like to write the AQMD Inspector, and his manager, the following email in blue. Please make any constructive changes, and let me know if you agree that this is an appropriate step forward:

Dear Mr. Roberts and Mr. Haynes,

I very much appreciate AQMD's help and input with the Slauson Tanker Fire Site. It is my hope that compliance with the AQMD's permit process for the red-tagged structure and excavations that need to be made will help the PRP's contractors perform the cleanup safely, and with minimal impact to the surrounding community.

It is also my hope and expectation that the wastes accumulated during the Emergency Response leave the site as soon as possible. These include boom, debris and PPE in drums and a 20-yard roll-off bin, as well as waste water and product in the Baker tank on site. I consider the storage of these materials on site to be an imminent and substantial threat to the surrounding community, as they exhibit hazardous characteristics and/or contain pollutants which may release to the environment. The presence of these containers on site also precludes any further progress at the Site, including the removal of the burned billboard structure, characterization of the spill pathway, demolition of the red-tagged structure, and removal of contaminated soil.

I had an understanding with the PRP's consultant to remove these from the site this week, upon their receiving the characterization data. AQMD's interest in applying rules 1466 and 1403 to these containerized wastes, as well as requiring additional sampling complicates this matter. I do not wish to

see these wastes remain on site any longer that absolutely necessary, and I do not wish to see the containers opened again on site for any reason, due to potential threats to workers and the surrounding community. I respectfully request that the AQMD allow the PRP's contractor to remove these wastes from the Site under a Hazardous Waste Manifest, without any additional sampling requirements.

Again, I appreciate your cooperation in this matter, and I hope that we can work together to ensure that the Site is cleaned in a manner that protects the community and environment. Please feel free to call me if you have additional questions or concerns about this request.

Sincerely,

Ben Castellana, Ph.D.
On-Scene Coordinator
US EPA Region 9
Superfund Emergency Response
(562) 305-0694 cell

From: Deryck Roberts <droberts@aqmd.gov>
Sent: Tuesday, April 23, 2019 3:49 PM
To: Brett Bowyer <brettbowyer@bowyerenvironmental.com>
Cc: Alan Malagon <alanmalagon@bowyerenvironmental.com>; Michael Lebow <mlebow@srllplaw.com>; Castellana, Ben <castellana.ben@epa.gov>
Subject: Re: 210 W. Slauson - NTC

Mr. Bowyer,

Just to be clear. The extension is ONLY for the sampling aspect of the NTC. All requested documentation needs to be turned in prior to the NTC due date.

My agency is requesting a follow-up inspection on site later this week where we can open up the 20 yard bin and collect our own samples to verify compliance with rules 1466 and 1403. Please let me know if Thursday or Friday would work for you.

Deryck Roberts
Air Quality Inspector II
Toxics Unit
South Coast Air Quality Management District
21865 Copley Drive,
Diamond Bar, CA 91765
909-396-2154
droberts@aqmd.gov

On Apr 23, 2019, at 2:35 PM, Brett Bowyer <brettbowyer@bowyerenvironmental.com> wrote:

Thank you for the response Deryck. We do need concurrence regarding our recommendation to not sample the containerized waste for suspected ACM. If the SCAQMD is still requiring the sampling of the containerized waste, we will need to devise a method for sampling the surface of the contained liquid, which is something that you verbally relayed to us when the NTC was issued. None of the CACs we contacted were familiar with any method to do this. If this is something that is being required, we will need more time to identify and develop an appropriate method. Again, we want to point out that the liquid is containerized and likely to be disposed of as a hazardous waste due to the presence of gasoline-related compounds. In its current containerized state, this material is not a threat to the public even if it is ACM.

We are going forward with the rest of the sampling program on Thursday in order to meet the current schedule. We suggest that if none of the other materials are found to be asbestos containing, then it can be inferred that the contained material is also not ACM.

We respectfully ask that you confer with your Supervisor and Manager and let us know if the SCAQMD is in concurrence with our suggestion to not sample the containerized material at this time.

Thank you.

Brett Bowyer, P.G.
<image002.jpg>
17011 Beach Boulevard, Suite 900
Huntington Beach, CA 92647
Office: (877) 232-4620 Ext. 101
Cell: (714) 878-7191
FAX: (714) 494-1912

To send large files to Brett Bowyer through the BEC drop box click on the following link:

<https://spaces.hightail.com/uplink/BECdropbox>

PRIVILEGED AND CONFIDENTIAL

This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient(s). All information transmitted hereby is intended solely for the viewing and use of the addressee(s) named above. If you are not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any further reading, printing, copying or other distribution of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or reply e-mail and delete the message from your e-mail system.

To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.

From: Deryck Roberts <droberts@aqmd.gov>
Sent: Tuesday, April 23, 2019 12:45 PM
To: Brett Bowyer <brettbowyer@bowyerenvironmental.com>
Cc: Alan Malagon <alanmalagon@bowyerenvironmental.com>; Michael Lebow <mlebow@srllplaw.com>; Castellana, Ben <castellana.ben@epa.gov>
Subject: Re: 210 W. Slauson - NTC

Received. The proposed Notice To Comply amend date is approved. Any further amendments will need to be sent to my Supervisor and Manager. Let me know if you have any further questions,

Deryck Roberts
Air Quality Inspector II
Toxics Unit
South Coast Air Quality Management District
21865 Copley Drive,
Diamond Bar, CA 91765
909-396-2154
droberts@aqmd.gov

On Apr 23, 2019, at 12:42 PM, Brett Bowyer <brettbowyer@bowyerenvironmental.com> wrote:

Hello Mr. Roberts,

Per the voice mail I left you yesterday, we are in the process of gathering available documents and setting up the asbestos sampling program. We will need more time to comply. In particular, we are trying to confirm the need and extent of asbestos testing within the sealed containers present at the Site. Currently, there is one sealed 20 cubic yard bin and eight sealed drums that reportedly contain absorbent, debris and metal, In addition, there is one sealed baker tank that reportedly contains a mixture of gasoline and water. Representative samples have been collected from the containers and they are being analyzed for:

- Volatile organic compounds;
- Petroleum hydrocarbons;
- CAM Metals; and
- PCBs.

The results are due by the end of the day on Wednesday (April 24). Once we have those results, this material will be characterized for disposal. Given the suspected presence of high levels of gasoline-related compounds, it is possible that the material will be characterized as hazardous. If this is the case, this material will be profiled for disposal at a facility that is permitted to accept hazardous waste. We will work with the SCAQMD to ensure that this facility is also permitted to accept asbestos containing material. If this is the outcome, we would ask the SCAQMD to consider not requiring the sampling of these sealed container. The containers will remain sealed prior to and during transfer to the disposal facility and the material in them does not represent a hazard to the public due to the presence of suspect asbestos containing material (ACM).

The SCAQMD approval of the above will allow us to finalize the scope of work for the Certified Asbestos Consultant (CAC) and to move forward on this work right away. This work will include sampling of suspect ACM throughout the Site in compliance with all other aspects of the NTC.

Please let us know as soon as possible if the SCAQMD approves of this modification to the NTC.

If we receive your approval to this approach, we can arrange to have the ACM sampling done on Thursday. A report of findings, along with the other requested documents will be provided by May 1st.

Thank you for your consideration and please let us know if the suggested modification to the NTC is acceptable to the SCAQMD.

Brett Bowyer, P.G.
<image002.jpg>
17011 Beach Boulevard, Suite 900
Huntington Beach, CA 92647
Office: (877) 232-4620 Ext. 101
Cell: (714) 878-7191
FAX: (714)494-1912

To send large files to Brett Bowyer through the BEC drop box click on the following link:

<https://spaces.hightail.com/uplink/BECdropbox>

PRIVILEGED AND CONFIDENTIAL

This e-mail may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient(s). All information transmitted hereby is intended solely for the viewing and use of the addressee(s) named above. If you are not the intended recipient or the employee or agent

responsible for delivering the message to the intended recipient(s), please note that any further reading, printing, copying or other distribution of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or reply e-mail and delete the message from your e-mail system.

To comply with IRS regulations, we advise you that any discussion of Federal tax issues in this e-mail was not intended or written to be used, and cannot be used by you, (i) to avoid any penalties imposed under the Internal Revenue Code or (ii) to promote, market or recommend to another party any transaction or matter addressed herein.